

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

CHARLES RAY POLK §
VS. § CIVIL ACTION NO. 5:07cv14
PAUL A. KASTNER §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Charles Ray Polk, an inmate confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. Civ. P. 72(b)*. After careful consideration, the court concludes petitioner's objections are without merit and should be overruled. Petitioner has neither met the requirements for an independent action in equity nor for a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. *See United States v. Beggerly*, 524 U.S. 38, 46 (1998); *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001).

O R D E R

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this 17th day of January, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE